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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991.639	11/26/2001	Thomas Augscheller	P21636	4721

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EXAMINER

ALVO, MARC S

ART UNIT

PAPER NUMBER

1731

DATE MAILED: 02/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center">Office Action Summary</p>	Application No. 09/991,639	Applicant(s) AUGSCHELLER ET AL.	
	Examiner Steve Alvo	Art Unit 1731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-106 is/are pending in the application.
- 4a) Of the above claim(s) 3, 18, 20-22, 25 and 48-106 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-47 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on ____ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11-13-2003</u> | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date <u>02092004</u>
5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
6) <input type="checkbox"/> Other: ____ |
|--|---|

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4-17, 19, 23, 24 and 26-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over MESCHENMOSER (5,915,613) in view of WO 97/03009 or WO 91/12095.

MESCHENMOSER teaches manufacturing a fibrous material paper web and using air first air block (41); knives (44); and/or air block (43) to remove the air boundary layer from the outer surface of a transfer belt (13) prior to the gaps between the press cylinder (5) and the guide rolls (15) and (17) and/or between the transfer area (37) belt (33) and the cylinder, e.g. drying cylinder (39). MESCHENMOSER teaches that removal of the air boundary layer prevents flutter and web breakage, see, column 5, lines 30-45. WO 97/03009 or WO 91/12095 teach electrostatic air boundary layer swirler apparatus for removing the air boundary layer from a paper web, (6) and (10) respectively. It would have been obvious to use the electrostatic air boundary removal means of WO 97/03009 or WO 91/12095 for one or all of the air boundary removal means (41, 43 and/or 44) of MESCHENMOSER to prevent flutter and web breakage as taught by MESCHENMOSER. The air block (43) of MESCHENMOSER would deflect the air and thus obviously be a deflecting strip. See MESCHENMOSER, column 3, lines 40-47 and Figures 3 and 4, for sealing means including a felt strip (felt seal). See MESCHENMOSER, suction box (23). Claim 13 is rejected as rolls (9) and (5) is press cylinder, which form a press section. Claim 14 is rejected as roll (39) can be the first drying cylinder of a dryer section, (see MESCHENMOSER, column 6, line 39). The dryer section of MESCHENMOSER is a single

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tier drying section. The press cylinder (5), transfer belt (13) web guide roll (35) and transport belt (33) are all smooth surfaces which support the web through the press, transfer and drying sections.

Claims 32-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over MESCHENMOSER (5,915,613) in view of WO 97/03009 or WO 91/12095 as applied to claim 1 above, and further in view of STENWALL.

STENWALL teaches moistening webs in the press section of a papermaking machine using nozzles from a steam box (24). It would have been obvious to provide a steam box nozzle in the press and/or drying section of MESCHENMOSER to provide a better control of moisture in the drying and pressing sections. If necessary, claim 28 is rejected as STENWALL teaches using a double-felted press. It would have been obvious to the routineer to provide a double felted belt as taught by STENWALL to ensure even drying, e.g. water withdrawal, on both sides of the paper.

Claim 3, 18, 20-22, 25 and 25 are withdrawn from consideration as not being drawn to the elected species of a surface, which supports the fibrous material.

Claims 48 to 88 are withdrawn from consideration as not being drawn to the elected species of a nozzle moistener.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 1, 2, 4, 515, 16, 17 and 19 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over WO 91/12095 or WO 97/03009.


The claims are drawn to apparatus. The intended use can not be given probative weight in an apparatus claim. The structure does not define over the electrostatic air boundary layer devices of WO 91/12095 or WO 97/03009. See WO 91/12095 or WO 97/03009 (10) and (9) respectively for paper webs; (20) and (5) for gaps.

Claims 89-106 are withdrawn as not being drawn to the elected apparatus.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve Alvo whose telephone number is 571-272-1185. The examiner can normally be reached on 6:00 AM to 2:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571-272-1189. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Steve Alvo
Primary Examiner
Art Unit 1731

msa